

Notice of Allowability

Application No.

09/648,581

Examiner

Marissa Thein

Applicant(s)

BIRCH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 16, 2007.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5-23-07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tracy Powell on May 23, 2007.

In the Claims

Claim 1 is amended.

In claim 1, page 2, lines 21-22:

Lines 21-22 have been changed to read as follows:

--non-preferred providers, negotiating a purchase of the product from the provider associated with a satisfying quote; and—

Claim 3 is amended.

In claim 3, page 3, line 2:

Line 2 has been changed to read as follows:

--competitive non-preferred quote includes a lowest quote provided by a non-preferred provider.—

Claim 6 is amended.

In claim 6, page 3, line 3:

Line 3 has been changed to read as follows:

--quotes provided by the selected preferred provider in descending order of value, from a highest--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claim 1

Claim 1 recites a computer-implemented method of matching an offer for a product with a quote, comprising: *inter alia*: selecting a preferred provider from a group of preferred providers; selecting another preferred provider from the group of preferred provider; until the offer is satisfied or until the group of preferred providers is exhausted and if the group of preferred providers is exhausted without satisfying the offer, attempting to satisfy the offer from a group of non-preferred providers.

The most closely prior art of record is U.S. Patent No. 5,331,546 to Webber. Webber discloses a travel planner system which automatically construct itineraries with available seats for a traveler's trip request (abstract). The system responds by finding the least costly but still valid itineraries in terms of a preset policy, individualized fro the particular traveler, regarding acceptable or desirable price tradeoffs between costs on the one hand and time and convenience on the other hand (col. 2, lines 5-10). The system has the ability to find not only the lowest fare on a given flight buy also the unprecedented ability to automatically find the flight or itinerary with the lowest fare, the ability to automatically take into account in this process the details of a preset, comprehensive corporate travel policy as well as details of persona travel preferences, the ability to show flight, fare, and seat avaiability (col. 2, line 62-col. 3, line 2). Webber

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discloses a flight search procedure which finds all the itineraries which could be used to satisfy the trip request being processed and to rank these candidate itineraries in terms of "non-preference" factors and to rank them in terms of personal preference factors (col. 7, lines 53-64). However, as stated by the Board of Appeals, Webber neither anticipates or fairly and reasonably teaches a computer-implemented method of matching an offer for a product with a quote, comprising: *inter alia*: selecting a preferred provider from a group of preferred providers; selecting another preferred provider from the group of preferred provider; until the offer is satisfied or until the group of preferred providers is exhausted and if the group of preferred providers is exhausted without satisfying the offer, attempting to satisfy the offer from a group of non-preferred providers. The Board of Appeals has concluded, "Webber does not teach, and would not have suggested, providers (i.e., airlines) which meet the various preferred and non-preferred provider limitation".

Claim 12

Claim 12 recites a computer-readable medium having computer-executable instructions which, when executed on a computer, comprise: *inter alia*: ranking each preferred provider in a plurality of preferred providers according to a preferred criteria; and selecting a highest ranked preferred provider from the plurality of preferred providers.

The most closely prior art of record is U.S. Patent No. 5,331,546 to Webber. Webber discloses a travel planner system which automatically constructs itineraries with available seats for a traveler's trip request (abstract). The system responds by finding

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the least costly but still valid itineraries in terms of a preset policy, individualized for the particular traveler, regarding acceptable or desirable price tradeoffs between costs on the one hand and time and convenience on the other hand (col. 2, lines 5-10). The system has the ability to find not only the lowest fare on a given flight but also the unprecedented ability to automatically find the flight or itinerary with the lowest fare, the ability to automatically take into account in this process the details of a preset, comprehensive corporate travel policy as well as details of personal travel preferences, the ability to show flight, fare, and seat availability (col. 2, line 62-col. 3, line 2). Webber discloses a flight search procedure which finds all the itineraries which could be used to satisfy the trip request being processed and to rank these candidate itineraries in terms of "non-preference" factors and to rank them in terms of personal preference factors (col. 7, lines 53-64). However, as stated by the Board of Appeals, Webber neither anticipates or fairly and reasonably teaches a computer-readable medium having computer-executable instructions which, when executed on a computer, comprise: *inter alia*: ranking each preferred provider in a plurality of preferred providers according to a preferred criteria; and selecting a highest ranked preferred provider from the plurality of preferred providers. The Board of Appeals has concluded, "Webber does not teach, and would not have suggested, providers (i.e., airlines) which meet the various preferred and non-preferred provider limitation".

Claim 24

Claim 24 recites a computer system for matching offers with quotes, comprising: *inter alia*: a travel server component configured to obtain at least one quote associated

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with each provider in a plurality of providers to provide the product at a cost, the plurality of providers comprising at least two groups: a preferred providers group and a non-preferred providers group, each preferred provider having a distinct preference ranking.

The most closely prior art of record is U.S. Patent No. 5,331,546 to Webber. Webber discloses a travel planner system which automatically construct itineraries with available seats for a traveler's trip request (abstract). The system responds by finding the least costly but still valid itineraries in terms of a preset policy, individualized fro the particular traveler, regarding acceptable or desirable price tradeoffs between costs on the one hand and time and convenience on the other hand (col. 2, lines 5-10). The system has the ability to find not only the lowest fare on a given flight buy also the unprecedented ability to automatically find the flight or itinerary with the lowest fare, the ability to automatically take into account in this process the details of a preset, comprehensive corporate travel policy as well as details of persona travel preferences, the ability to show flight, fare, and seat avaialbity (col. 2, line 62-col. 3, line 2). Webber discloses a flight search procedure which finds all the itineraries which could be used to satisfy the trip request being processed and to rank these candidate itineraries in terms of "non-preference" factors and to rank them in terms of personal preference factors (col. 7, lines 53-64). However, as stated by the Board of Appeals, Webber neither anticipates or fairly and reasonable teaches a computer system for matching offers with quotes, comprising: *inter alia*: a travel server component configured to obtain at least one quote associated with each provider in a plurality of providers to provide the product at a cost, the plurality fo providers comprising at least two groups: a preferred providers

group and a non-preferred providers group, each preferred provider having a distinct preference ranking. The Board of Appeals has concluded, “Webber does not teach, and would not have suggested, providers (i.e., airlines) which meet the various preferred and non-preferred provider limitation”.

DeLorme (U.S. Patent No. 5,948,040) neither anticipates or fairly and reasonably teaches a computer system for matching offers with quotes, comprising: *inter alia*: a travel server component configured to obtain at least one quote associated with each provider in a plurality of providers to provide the product at a cost, the plurality of providers comprising at least two groups: a preferred providers group and a non-preferred providers group, each preferred provider having a distinct preference ranking. DeLorme disclosure teaches away a travel server component configured to obtain at least one quote associated with each provider in a plurality of providers to provide the product at a cost, the plurality of providers comprising at least two groups: a preferred providers group and a non-preferred providers group, each preferred provider having a distinct preference ranking. DeLorme teaches a computerized travel reservation information systems that permits a user to custom-define and examine a travel route and/or plans based upon answers to the questions (col. 6, lines 57-59). A user can construct a highly selective travel route that incorporates waypoints selected by the user and establish a computer link with computerized ticket and reservation systems (col. 6, line 65 – col. 7, line 1).

The Examiner notes that the “web server component” recited in claim 24 refers back to a computing device in the specification on page 19 and in the drawings on

Figure 2; the "travel server component" recited in claim 24 refers back to a server in the specification on pages 19-20 and in the drawings on Figure 2; and the "online travel service exchanger" recited in claim 24 refers back to a computing device in the specification on page 14 and in the drawings on Figure 2.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

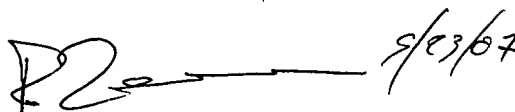
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
May 23, 2007


F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER